

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

FN Herstal, S.A.,)	
)	
Plaintiff,)	Civil Action No. 3:12-cv-102-CAR
)	
v.)	Judge C. Ashley Royal
)	
Clyde Armory, Inc.,)	
)	
Defendant.)	

CLYDE ARMORY INC.'S NOTICE OF APPEAL

Pursuant to FED. R. APP. P. 3(a)(1), FED. R. APP. P. 4(a)(1)(A), and FED. R. APP. P. 4(a)(4)(B)(i), notice is hereby given that Defendant Clyde Armory, Inc. (“Clyde Armory”) appeals to the United States Court of Appeals for the Eleventh Circuit from the: Judgment (Dkt. 152), entered on August 20, 2015; Court’s Bench Trial Order (Dkt. 151), entered on August 20, 2015; Court’s Order on Motions in Limine (Dkt. 141), entered on July 16, 2015; Pretrial Order—Non Jury (Dkt. 138), entered on July 14, 2015; Court’s Order on Motion to Amend the Proposed Pretrial Order (Dkt. 137), entered on July 14, 2015; Court’s Order on Motion to Strike the Jury Demand (Dkt. 132), entered on July 10, 2015, Court’s Order on Summary Judgment (Dkt. 109), entered on January 8, 2015, and any and all orders, rulings, findings, and/or conclusions of the Court not previously identified that were adverse to Clyde Armory, such as evidentiary rulings and findings of fact and conclusions of law adopted by the Court contrary to those proposed by Clyde Armory.

This Notice of Appeal is filed within 30 days of the Court's entry of Judgment as required by FED. R. APP. P. 4(a)(1)(A) and is, therefore, timely. However, on September 3, 2015, Plaintiff FN Herstal, S.A. ("FN") filed a Motion for an Award of Attorneys' Fees (Dkt. 153) pursuant to FED. R. CIV. P. 54(d). FED. R. APP. P. 4(a)(4)(B)(i) provides:

If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(4)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

Thus, this Notice of Appeal, while proper, does not become effective until the Court's entry of an order disposing of FN's attorneys' fees motion. *Williams v. Plantation Police Dep't*, 379 Fed. Appx. 866, 868 (11th Cir. 2010) ("A notice of appeal from a judgment that is filed after judgment is entered, but before disposition of a post-judgment motion, will become effective upon disposition of the motion." (citing FED. R. APP. P. 4(a)(4)(B)(i)); *Huggins v. Owens*, Case No. 5:09-cv-377, 2010 U.S. Dist. LEXIS 109976, *3-4 (M.D. Ga. Oct. 15, 2010).

Dated: September 8, 2015

Respectfully submitted,

CLYDE ARMORY, INC.

By: /Glenn D. Bellamy/

Glenn D. Bellamy (*pro hac vice*)

Paul J. Linden (*pro hac vice*)

WOOD, HERRON, & EVANS, L.L.P.

441 Vine Street, 2700 Carew Tower

Cincinnati, Ohio 45202

(513) 241-2324

Michael C. Daniel (Ga. St. Bar No. 204237)

PRIOR, DANIEL & WILTSHIRE, LLC

490 North Milledge Avenue

Athens, Georgia 30601

(706) 543-0002

Counsel for Defendant, Clyde Armory, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on September 8, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will electronically send notice of such filing to all counsel of record.

/Glenn D. Bellamy/
